

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/24/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-v- :

ORDER

ARMANDO GOMEZ, FABIO SIMON YOUNES :
ARBOLEDA,

18 CR 262 (VEC)

Defendants. :

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VALERIE E. CAPRONI, District Judge:

Counsel for Armando Gomez, acting on behalf of all Counsel, requests approval for the use of laptops provided by the CJA Case Budgeting Attorney for defendants Armando Gomez and Younes Arboleda who wish to review discovery materials produced by the Government and therefore need to have access to electronic devices under the terms ordered below. Defense counsel represents that without such laptops, the defendants will be unable to review effectively the massive amount of discovery material that the Government has provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

The application is granted as follows:

1. Defense counsel has spoken to the CJA Case Budgeting Attorney who will provide laptop computers¹ with no internet capability and any subsequent external hard drives that may be required to provide the defendants with access to the discovery (collectively, the “Electronic Device”) for purposes of the discovery review. This type of electronic

¹ Counsel spoke to the Warden concerning providing laptop use to defendants Gomez and Younes.

device was previously used in another case where the defendant was also housed in Valhalla and was appropriately disabled in a manner acceptable to the facility.

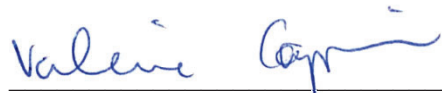
2. Defense counsel shall provide two Electronic Devices to the Government. Each Electronic Device will be clearly marked with the name and ID number and Marshal's registration number of the defendant who has been assigned to receive that particular Electronic Device.
3. The Government shall save the discovery onto the Electronic Devices as well as on subsequent external hard drives that may be required to provide the defendants with access to the discovery.
4. The Government shall confirm that the discovery is viewable on the Electronic Devices (for example, that the audio recordings and video play on the Electronic Devices) prior to sending it to the facility where the inmate is housed.
5. Within 30 days of receipt of the Electronic Devices, the Government shall send the Electronic Devices to an Officer designated by each facility to receive the electronic devices. The designated Officer shall keep the Electronic Devices and charging wires in their office.
6. The Defendants can access the Electronic Devices for review on a temporary basis and at times approved by prison personnel. This review must take place in the defendant's unit or a location where, to the extent possible, defendant is not in the presence of any other inmates. Because of the volume of discovery, defendants should be afforded the ability to review it for several hours each day to the extent consistent with the conduct of the facility in which the defendant is lodged.
7. The defendants are prohibited from copying any information from the discovery.

8. After he is finished reviewing the discovery for any given day, the defendant shall return the Electronic Device to the designated Officer.
9. The defendants are strictly prohibited from printing, copying, sending, publishing, or transferring any of the discovery materials on the Electronic Devices. It is the intent of this Order that only the defendants assigned to a particular Electronic Device (and his counsel and any other members of his legal defense team, including investigators, paralegals, and support staff, as needed to confer with the defendants) will have access to the discovery materials on the Electronic Devices.
10. This Court will revisit this Order and any defendant's access to the Electronic Devices if it appears that any defendant is not abiding by this Order.
11. IT IS FURTHER ORDERED that no later than the conclusion of the proceedings against the defendant in the district court, whether through dismissal of the charges against the defendant or the sentencing of the defendant, the defendant shall return the Electronic Device to his counsel, who will promptly provide it to the CJA Case Budgeting Attorney at his offices.

The Clerk of Court is respectfully directed to close the open motion at docket entry 101.

Dated: New York, New York
January 24, 2022

SO ORDERED



VALERIE C. CAPRONI
United States District Judge